



PATENT

Attorney Docket No. 555255012709

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hongjun Zhang and Ashok C. Patel
Serial No.: 10/776,986
Filed: February 11, 2004
For: Apparatus, and Associated Method, for Facilitating Control of
Control Signaling Performed by a Mobile Node Operable in a
Radio Communication Network
Art Unit: 2681
Examiner: Not yet assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR FILING BY OTHER THAN
ALL THE INVENTORS UNDER 37 CFR § 1.47(a)**

In accordance with 37 CFR § 1.47(a) and MPEP §409.03(a) and (d), applicant Patel, through its assignee, Research in Motion Limited, hereby petitions the Assistant Commissioner to accept the filing of this patent application on behalf of himself, and by way of the enclosed assignment, the assignee, and the joint inventor, Hongjun Zhang, who cannot be found our reached to join in the application for patent. Any fees due for filing this petition, including the fees under 37 CFR § 1.17, may be charged to Jones Day Deposit Account No. 501432, ref: 555255012709. A petition and fee for a three month time extension is included herewith.

As required by MPEP § 409.03(d), applicants enclose herein proof of the diligent efforts made to locate the inventor, Mr. Zhang, in the form of a Declaration of David B. Cochran. In the Declaration, Mr. Cochran states that a bona fide attempt was made to locate Mr. Zhang so that he could sign the Declaration, but those attempts failed to locate him. The Declaration by Mr. Cochran is deemed by the applicants to be sufficient proof of the inability to locate Mr. Zhang.

In accordance with MPEP § 409.03(a) and (d), a Declaration signed by Mr. Patel with the signature block of Mr. Zhang left blank is enclosed herein. The last known address of Mr. Zhang is "Hongjun Zhang, 271 Eiwo Court, Unit 201, Waterloo, Ontario, CANADA."

Respectfully Submitted,



David B. Cochran
Registration No. 39,142
JONES, DAY, REAVIS & POGUE
901 Lakeside Avenue/North Point
Cleveland, OH 44114
(216) 586-3939

Date: _____

9/15/04



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DECLARATION OF DAVID B. COCHRAN

I hereby declare and state as follows:

1. I represent Research In Motion Limited ("RIM") in connection with the above-referenced patent application. This application names two inventors, Mr. Hongjun Zhang and Mr. Ashok Patel.
2. Mr. Patel has signed the Declaration and also an assignment transferring all of his rights in the invention to the assignee, RIM.
3. The assignee attempted to locate Mr. Zhang and, through its records, discovered that his last known address was 271 Eiwo Court, Unit 201, Waterloo, Ontario, CANADA. I then attempted to contact Mr. Zhang by sending him a letter, dated September 2, 2004, enclosing a copy of the Declaration for his signature. The Fed Ex package I sent to Mr. Zhang was returned, indicating that he no longer resided at this address. The assignee contacted

several of Mr. Zhang's associates in an attempt to ascertain his whereabouts, but was unsuccessful. I also conducted an internet search to find the current whereabouts of Mr. Zhang, but was also not successful in locating him.

4. A copy of my letter to Mr. Zhang (without enclosures) is attached as Appendix A.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and the such willful false testimony may jeopardize the validity of the application or any patent issuing thereon.


David B. Cochran

JONES DAY

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763244
555255-004001

September 2, 2004

Hongjun Zhang
271 Eiwo Court
Unit 201
Waterloo, Ontario
CANADA, N2K 2M8

Re: RIM Patent Application

Dear Hongjun:

While you were employed by Research In Motion you were listed as an inventor on the patent application for "Apparatus, and associated method, for facilitating control of control signaling performed by a mobile node operable in a radio communication system." Pursuant to your employment agreement with RIM, we need you to sign two documents to accompany the patent application. The first document is a Declaration of Inventorship, where you and the other inventor, Mr. Ashok Patel, indicate that you are, in fact, the inventors of this application. The second document is an assignment to RIM. You agreed to execute these documents as part of your employment agreement. Please execute these documents where shown, have the assignment witnessed by anyone who can personally view your signature, and return these documents to us in the enclosed Federal Express package as soon as possible.

If you have any questions regarding these documents please call me immediately at 216-586-7029. We need to obtain these signed documents from you as soon as possible. If you do not return the documents to us by September 12, 2004, we will assume that you are refusing to sign the documents.

Very truly yours,

David B. Cochran

CLI-1224351v1

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